



## City of Seattle

Edward B. Murray, Mayor

### Department of Planning and Development

D. M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3022212  
**Applicant Name:** Amanda Grindle for Muir Contracting  
**Address of Proposal:** 3939 Stone Way North

### **SUMMARY OF PROPOSAL**

Land Use Application to allow the removal of three underground gasoline storage tanks, two 10,000 gallon and one 12,000 gallon and replace with two 20,000 gallon underground gasoline tanks. Project includes replacement of fuel related apparatus, vent and vapor piping, dispensers and drive slabs.

The following approval is required:

### **SEPA Environmental Threshold Determination (SMC Chapter 25.05)**

### **DPD SEPA DETERMINATION:**

Determination of Non-Significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

### **SITE AND VICINITY**

**Site Location:** 3939 Stone Way North  
**Zoning:** Neighborhood Commercial with Pedestrian Street Overlay (NC3P-40)

Parcel Size: 0.27 acres  
Existing Use: Gas station with a convenience store  
ECA: None present

**PROJECT DESCRIPTION:**

The applicant proposes removal of three underground gasoline storage tanks, two 10,000 gallon and one 12,000 gallon. They will be replaced with two 20,000 gallon underground gasoline tanks. The project includes replacement of fuel related apparatus, vent and vapor piping, dispensers and drive slabs. The number of pumps will not change. Excavation for the project includes the removal of 280 cubic yards of soil and replacement with 280 cubic yards of clean soils and pit run.

**PUBLIC COMMENT:**

The public comment period ended on November 29, 2015 and two comments were received.

The Wallingford Community Council Land Use Committee listed the following concerns:

- Increased activity at the pumps
- Conflicts between the sidewalk and pump usage
- Increased danger of explosion

The State Department of Ecology sent comments outlining their requirements for installation of underground storage tanks.

**ANALYSIS – SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 9/9/2015. The Department of Planning and Development (DPD) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and reviewed any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

### **Greenhouse Gas Emissions**

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### **Air Quality**

Excavation activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

### **Grading**

The maximum depth of excavation is approximately 16 feet and consists of approximately 280 cubic yards of exported materials and approximately 280 cubic yards of replacement clean soil and pit run. Contaminated soil will be removed and disposed off-site. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport.

The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed to or from the site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Noise

As remediation proceeds, noise associated with construction activities at the site is anticipated to be minimal on the surrounding residential, commercial, and industrial uses. The Noise Ordinance is found to adequately mitigate the potential noise impacts, subject to the following condition pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B)

### Traffic and Parking

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The site is bordered by N. 40<sup>th</sup> Street and Stone Way N, both arterials. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 280 cubic yards of soil are expected to be excavated from the project site with possible fills of 280 cubic yards. Excavation and fill activity could require approximately 28 round trips with 10-yard hauling trucks or 14 round trips with 20-yard hauling trucks.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks minimizing the amount of spilled material and dust from the truck bed to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Compliance with Seattle’s Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

### Long-term Impacts

Construction impacts including construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. These long-term impacts are not considered significant because the impacts are minor in scope.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project’s energy consumption, are expected to result in increases in carbon dioxide and other

greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early Review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

Josh Johnson, Land Use Planner  
Department of Planning and Development

Date: December 10, 2015

JJ:bg

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## IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.